United States District Court Southern District of Texas

## **ENTERED**

February 01, 2021
Nathan Ochsner, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

0.501 ACRES OF LAND, more or less, in HIDALGO COUNTY, TEXAS; JOHNNY \$
R. HART; JENNIFER L. HART; and U.S. \$
SMALL BUSINESS ADMINISTRATION, \$
Defendants.

## **ORDER**

The Court now considers the parties' "Joint Motion to Extend Scheduling Order Deadlines." The parties request the Court extend all preexisting deadlines in light of President Biden's January 20, 2021 proclamation concerning the southern international border wall. The parties acknowledge that they anticipate a new border wall policy in sixty days, but request all deadlines be extended by approximately ninety days.

The President's proclamation directs numerous heads of executive agencies to "pause work on each construction project on the southern border wall" and to "develop a plan for the redirection of funds concerning the southern border wall... within 60 days" from January 20th. Therefore, the Court finds good cause in the parties' request that this eminent domain proceeding be abated while the United States develops its plan concerning the border and associated land use. The Court **GRANTS** the parties' joint motion for an extension as set forth in the following case-specific schedule which controls disposition of this action until further order of the Court. The following actions shall be completed by the dates indicated:

PRETRIAL EVENTS	DEADLINES

<sup>&</sup>lt;sup>1</sup> Dkt. No. 34.

 $<sup>^{2}</sup>$  Id. at 2–3, ¶¶ 8–12.

 $<sup>^{3}</sup>$  *Id.* at 2, ¶ 9.

<sup>&</sup>lt;sup>4</sup> *Id.* at 3.

<sup>&</sup>lt;sup>5</sup> Proclamation, §§ 1–2, 2021 WL 197402 (Jan. 20, 2021).

<sup>&</sup>lt;sup>6</sup> Dkt. No. 34.

Deadline for all parties to designate expert witnesses and provide expert reports in accordance with Federal Rule of Civil Procedure 26(a)(2).	April 12, 2021
Deadline for all parties to designate rebuttal expert witnesses and provide expert reports in accordance with Federal Rule of Civil Procedure 26(a)(2).	May 12, 2021
Discovery deadline. Parties may by agreement continue conducting discovery beyond the deadline, but no extension will be granted because of information acquired in post-deadline discovery.	June 9, 2021
Deadline to file all pretrial motions, including any dispositive motions, except motions in limine which shall be filed with the Joint Pretrial Order.	June 27, 2021
Deadline to file joint pretrial order, motions in limine, and proposed jury instructions (or proposed findings of fact & conclusions of law). <sup>7</sup>	July 18, 2021
Final pretrial conference and trial scheduling.	August 17, 2021, at 9:00 a.m.

This scheduling order supersedes any earlier scheduling order, is binding on all parties, and shall not be modified except by leave of Court upon showing of good cause.<sup>8</sup> All other deadlines not specifically set out in this scheduling order will be governed by the Federal Rules of Civil Procedure and this Court's Local Rules.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 1st day of February 2021.

Micaela Alvarez United States District Judge

<sup>&</sup>lt;sup>7</sup> The Joint Pretrial Order must be in accordance with Appendix B of the Local Rules for the Southern District of Texas and must include the disclosures required by Federal Rule of Civil Procedure 26(a)(3).

<sup>&</sup>lt;sup>8</sup> See Fed. R. Civ. P. 16(b)(4); 6A Arthur R. Miller, Mary Kay Kane & A. Benjamin Spencer, Federal Practice and Procedure § 1522.2 (3d ed. 1998 & Supp. Oct. 2020).